

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALTICOR INC., a Michigan corporation,
and AMWAY CORP., a Virginia
corporation,

Plaintiffs,

V.

CUSTOMERS FIRST LP, a Delaware limited partnership, CUONG DUC PHAM, a natural person, and NGA TRINH, a natural person,

Defendants.

Case No. 1:20-cv-00815-RJJ-RSK

STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION

Plaintiffs, Alticor Inc. and Amway Corp. (“Plaintiffs”), and defendants, Customers First LP, Cuong Duc Pham, and Nga Trinh (“Defendants”), (collectively, “the Parties”) have stipulated and agreed to entry of this Final Judgment and Permanent Injunction pursuant to the Conditional Settlement and Release Agreement (“Settlement Agreement”) entered into by the Parties. The Parties have approved the substance and form of this Stipulated Final Judgment and Permanent Injunction. Based on the pleadings, the Parties’ Settlement Agreement, and the factual, legal and/or other findings below and for other good cause,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Court has jurisdiction of the subject matter of this action and personal jurisdiction over Defendants.
2. Venue is proper in this Court.

3. The injunctive relief provisions of this Judgment and Permanent Injunction shall apply to Defendants as well as their agents, owners, servants, employees, and those persons or entities in active concert or participation with Defendants.

4. Plaintiffs have valid and subsisting trademarks for AMWAY® (U.S. Trademark Registration Nos. 716,672, 847,709, 4,031,832, 4,199,852, 4,289,794, and 4,481,517), NUTRILITE® (Registration Nos. 402,891, 689,389, 2,145,912, 3,535,340, 4,748,189, and 4,478,190), and ARTISTRY® (Registration Nos. 856,184, 1,505,505, 1,519,877, and 4,645,525) as well as other federally-registered trademarks (collectively, the “Amway Trademarks”).

5. Defendants, including anyone acting on their behalf or at their direction, are hereby permanently restrained and enjoined from:

- (a) advertising, selling, or facilitating the advertisement or sale, through any medium (including all Internet and non-Internet channels), of any goods or products bearing any of the Amway Trademarks, including through any storefront on www.amazon.com (“Amazon”) and including, but not limited to, the Amazon storefront that has been known as “GOODIES FOR GENIUS” and which has a Merchant ID number of A2OVHENG73GA0X;
- (b) using the Amway Trademarks in any manner, including advertising on the Internet;
- (c) purchasing or acquiring any products bearing any of the Amway Trademarks for the purpose of resale; and
- (d) importing, exporting, manufacturing, producing, distributing, circulating, shipping, selling, offering to sell, advertising, promoting, or displaying any goods or products bearing any of the Amway Trademarks.

6. Cuong Duc Pham (“Pham”) and Nga Trinh (“Trinh”) shall:

- (a) Take all reasonable steps sufficient to monitor and ensure that all persons within their control or employment (whether independent contractors, employees, agents, partners, or otherwise) comply with this Order, including but not limited to by providing a copy of this Order to any person within their control or employment and requiring that such persons adhere to its terms;
- (b) Take all reasonable steps sufficient to monitor and ensure that all persons authorized to act on their behalf, including all officers and principals, comply with this Order; and
- (c) Take all reasonable corrective action with respect to any individual whom Pham and Trinh determine is not in compliance with the terms of this Order, which may include training, disciplining, and/or terminating such individual, and notifying Plaintiffs in writing of the underlying conduct.

7. Pursuant to Rule 65(d)(2) of the Federal Rules of Civil Procedure, this Order is binding upon the following persons who receive actual notice of it: the parties, the parties’ officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with the parties or the parties’ officers, agents, servants, employees, and attorneys.

8. The claims against Customers First LP, Pham, and Trinh are dismissed with prejudice.

9. This Court shall retain jurisdiction of this matter in law and in equity for the purpose of enforcing and/or adjudicating claims in violation of this Final Judgment and Permanent Injunction. Any such matters shall be raised by noticed motion.

10. Each party shall bear its own costs, expenses, and attorneys’ fees.

IT IS SO ORDERED.

SIGNED and **ENTERED** this _____ day of _____ 2020.

Robert J. Jonker
United States District Judge

AGREED AS TO FORM AND SUBSTANCE:

/s/ Kent A. Britt
Kent A. Britt
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Attorneys for Plaintiffs Alticor Inc. and Amway Corp.

Customers First LP

By: _____
Its: _____

Cuong Duc Pham

Nga Trinh

IT IS SO ORDERED.

SIGNED and **ENTERED** this 28th day of December 2020.

/s/ Robert J. Jonker

Robert J. Jonker
United States District Judge

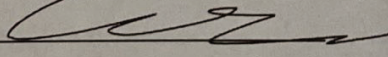
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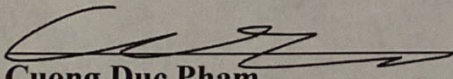
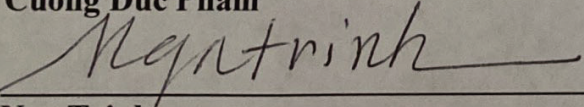
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Attorneys for Plaintiffs Alticor Inc. and Amway Corp.

Customers First LP

By: Cuong Pham 
Its: Manager


Cuong Duc Pham

Nga Trinh